

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TROY EMANUEL, JR.,

Plaintiff,

v.

JOHNNY COLIN; et al.,

Defendants.

Case No. 3:20-cv-00566-ART-CSD

ORDER ADOPTING REPORT AND
RECOMMENDATION OF U.S.
MAGISTRATE JUDGE

(ECF Nos. 212, 224)

Pro se Plaintiff Troy Emanuel, Jr., sued Defendant Johnny Colin and other Nevada Department of Corrections (“NDOC”) guards for excessive force while Emanuel was incarcerated in Ely State Prison.

Following discovery and Emanuel’s dismissal of his court-appointed counsel, NDOC moved for summary judgment on all claims for lack of a constitutional violation and qualified immunity. (ECF Nos. 198, 200, 212.) Emanuel did not file a response within 21 days or move to extend the deadline. (See ECF No. 222.) Several weeks after Emanuel’s response was due, Magistrate Judge Denney provided a *sua sponte* 30-day extension for Emanuel to file a response. (*Id.*) Three months after the new deadline, Emanuel moved for a video hearing on the status of his jury trial, which Magistrate Judge Denney denied. (ECF Nos. 223, 226.) Magistrate Judge Denney reviewed NDOC’s motion for summary judgment and issued a report and recommendation to grant the motion on qualified immunity grounds.

Under the Federal Magistrates Act, a Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by [a] magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, the court is required to “make a *de*

1 *novo* determination of those portions of the [report and recommendation] to which
2 objection is made.” 28 U.S.C. § 636(b)(1). A court is not required to conduct “any
3 review at all . . . of any issue that is not the subject of an objection.” *Thomas v.*
4 *Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114,
5 1121 (9th Cir. 2003).

6 Emanuel has not filed an objection to Magistrate Judge Denney’s report
7 and recommendation, and his time to do so has now expired. (See ECF No. 224.)

8 **Conclusion**


9 The Court adopts Judge Denney’s report and recommendation (ECF No.
10 224) in full.

11 In accordance with the report and recommendation, the Court grants
12 Defendants’ motion for summary judgment (ECF No. 212).

13 Additionally, the Court dismisses without prejudice Defendant Brandon
14 Stubbs for Plaintiff’s failure to perfect service.

15 The Clerk of the Court is directed to enter judgment accordingly and close
16 the case.

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18 DATED THIS 30th day of July 2025.

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22 ANNE R. TRAUM
23 UNITED STATES DISTRICT JUDGE
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